

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

ANYA S. DUKE,  
Plaintiff,  
vs.  
MARY-ANN MILLER, et al.,  
Defendants.

Case No. 2:15-cv-00404-JAD-CWH

## ORDER

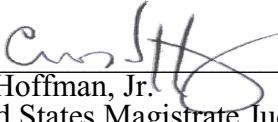
This matter is before the court on Plaintiff Anya S. Duke's Motion/Application to Proceed *In Forma Pauperis* (#1), filed March 5, 2015 pursuant to 28 U.S.C. § 1915. The Application is incomplete. In question 2, Plaintiff indicates that she has been disabled for 24 years but does not in response to question 3 say whether she receives disability payments. Also, in response to question 3, she fails to provide any information, but directs the court to an affidavit, which does not adequately answer question 3. Though unclear, it appears Plaintiff is seeking to proceed *in forma pauperis* in part because she was previously approved to proceed *in forma pauperis* in a state court proceeding. Even so, Plaintiff must respond in full to the questions presented on this Court's IFP form. Plaintiff also states that she does not have any income, but does have funds in a checking account. She indicates she has no regular monthly expenses because her "husband provides." As Nevada is a community property state, Plaintiff is required to set forth all assets, to the best of her ability, of the marital community in her application to proceed IFP. As a result of the foregoing, the undersigned cannot determine whether Plaintiff qualifies to proceed *in forma pauperis*. The Application will be denied without prejudice and the complaint retained but not filed.

Based on the foregoing and good cause appearing,

**IT IS HEREBY ORDERED** that Plaintiff's Application to Proceed *In Forma Pauperis* (#1) denied without prejudice. The Clerk of Court shall mail Plaintiff a blank application, and Plaintiff

1 shall have until **April 15, 2015**, in which to submit the completed application or pay the \$400.00 filing  
2 fee. Failure to comply with this order will result in a recommendation that this case be dismissed. The  
3 Clerk of Court shall retain Plaintiff's Complaint.

4 Dated: March 16, 2015.

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7 C.W.Hoffman, Jr.  
8 United States Magistrate Judge  
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